

STATE WATER RESOURCES BOARD MEETING

OCTOBER 31, 1962

THE REGULAR QUARTERLY MEETING OF THE STATE WATER RESOURCES BOARD WAS HELD ON WEDNESDAY, OCTOBER 31, 1962 IN THE CONFERENCE ROOM OF THE STATE HEALTH DEPARTMENT. THE FOLLOWING MEMBERS WERE PRESENT:

DR. WARDEN M. LANE, CHAIRMAN  
DR. N. H. DYER  
DR. PAUL H. PRICE  
MR. W. W. JENNINGS  
MR. BERNARD H. JACOBSON

MEMBERS ABSENT:

MR. ARTHUR H. RITCHIE  
MR. JOHN C. AILES

OTHERS PRESENT:

MR. BERN WRIGHT, DIVISION OF WATER RESOURCES  
MR. LYHLE E. GILLENWATER, DIVISION OF WATER RESOURCES  
MR. JOHN T. JOHNSON, II, DIVISION OF WATER RESOURCES  
MR. JOHN MILLAR, STATE HEALTH DEPARTMENT  
MR. GLEN O. FORTNEY, STATE HEALTH DEPARTMENT  
COL. ALLEN WOODBURN, LAW ENFORCEMENT DIVISION  
MR. THOMAS B. YOST, ASSISTANT ATTORNEY GENERAL  
MR. ANDREW J. GOODWIN, ASSISTANT ATTORNEY GENERAL  
MR. J. H. GUTHRIE, U. S. CORPS OF ENGINEERS

A QUORUM BEING PRESENT THE MEETING WAS CALLED TO ORDER BY THE CHAIRMAN AT 9:30 A.M. THE MINUTES OF THE MEETINGS OF MARCH 2 AND APRIL 10, 1962 WERE APPROVED.

WATER RESOURCES STUDIES (U. S. GEOLOGICAL SURVEY)

MR. WRIGHT STATED THAT THE REPORT OF THE 2-YEAR WATER RESOURCES RECONNAISSANCE STUDY MADE BY THE U. S. GEOLOGICAL SURVEY UNDER CONTRACT WITH THE BOARD, HAS BEEN REVIEWED BY THE DIVISION STAFF AND FOUND TO BE ACCEPTABLE. HE STATED THE REPORT WAS PRESENTLY BEING REVIEWED IN WASHINGTON AND UPON APPROVAL THERE THE DIVISION WILL PROCEED WITH THE PUBLICATION OF THE REPORT.

MR. WRIGHT REPORTED FURTHER THAT BASED UPON THE WORK DONE IN THE RECONNAISSANCE STUDY, IT WAS PROPOSED TO MAKE DETAILED STUDIES OF EACH OF THE STATE'S 12 WATERSHEDS AND THAT AN AGREEMENT HAS BEEN MADE WITH THE U. S. GEOLOGICAL SURVEY TO STUDY THE MONONGAHELA RIVER BASIN. HOWEVER, BECAUSE OF THE SIZE OF THE BASIN, IT IS TO BE STUDIED IN TWO PARTS, TAKING THE CHEAT RIVER BASIN FIRST AND THEN THE REMAINDER OF THE MONONGAHELA BASIN. MR. WRIGHT ESTIMATED IT WOULD TAKE ABOUT 3 YEARS TO MAKE THE STUDY.

SINCE UNDER THE PRESENT PLANS, MR. WRIGHT SAID IT WILL REQUIRE CONSIDERABLE TIME FOR THE COMPLETION OF ALL THE DETAILED STUDIES, IT WOULD BE DESIRABLE TO PROCEED WITH THE PROGRAM ON AN ACCELERATED BASIS. HOWEVER, TO DO THIS WOULD REQUIRE ADDITIONAL FUNDS TO BE APPROPRIATED BY THE LEGISLATURE. AFTER A CONSIDER-

ABLE DISCUSSION MR. WRIGHT OBSERVED IT WAS THE CONCENSUS OF THE BOARD THAT THE STUDIES BE CONDUCTED ALONG THE LINES PREVIOUSLY ESTABLISHED WITHOUT ANY EFFORT TO ACCELERATE THE PROGRAM.

#### KANAWHA RIVER SURVEY (CORPS OF ENGINEERS)

MR. GUTHRIE WAS CALLED UPON TO EXPLAIN THE SURVEY PROPOSED BY THE CORPS OF ENGINEERS FOR THE KANAWHA RIVER, THE STORY OF WHICH WAS CARRIED IN THE NEWS-PAPERS SOME TIME AGO.

MR. GUTHRIE SAID THAT DURING THE PAST THREE OR FOUR YEARS THE CORPS HAD EMBARKED UPON THE PROGRAM OF PREPARING COMPREHENSIVE STUDIES BASIN BY BASIN. HE SAID THE STUDY ON THE KANAWHA RIVER CAME UP QUITE RECENTLY AS FAR AS THE PRESENT SCOPE IS CONCERNED.

THE WHOLE OHIO RIVER BASIN WAS STUDIED FOLLOWING THE FLOOD OF 1937 ON A COMPREHENSIVE BASIS. THERE HAVE BEEN NO FURTHER COMPREHENSIVE STUDIES BY THE CORPS ON THE KANAWHA RIVER SINCE THAT TIME. CONGRESS HAS APPROPRIATED \$200,000 FOR THE INITIATION OF THE STUDY ON THE KANAWHA RIVER. MR. GUTHRIE STATED THE CORPS INTENDED TO MEET WITH VARIOUS INTERESTED BODIES TO ACQUAINT THEM WITH THE SCOPE OF THE SURVEY. HE STATED THE SUBJECTS TO BE STUDIED INCLUDED ADDITIONAL MAJOR RESERVOIRS IN WEST VIRGINIA, VIRGINIA AND NORTH CAROLINA, HYDROELECTRIC RESERVOIRS, AND SMALL WATER SHED DEVELOPMENT. AN OFFICIAL NOTICE OF THE PROPOSED SURVEY WILL BE RELEASED WITHIN THE NEXT MONTH OR TWO.

IN REPLY TO A QUESTION FROM THE BOARD, MR. GUTHRIE STATED THAT THE LEGISLATION WHICH THE FEDERAL ADMINISTRATION HAS CHOSEN FOR THE AUTHORITY FOR THE STUDY IS A RESOLUTION BY CONGRESSMAN SLACK RELATING PRIMARILY TO THE SITUATION IN CHARLESTON FOLLOWING LAST YEAR'S FLOOD.

A DISCUSSION THEN ENSURED ON THE NEED FOR COORDINATION BETWEEN THE BOARD, AS THE AUTHORIZED CARETAKER OF THE STATE'S WATER RESOURCES, AND OTHERS HAVING AN INTEREST IN SUCH MATTERS.

DR. DYER'S MOTION TO THANK MR. GUTHRIE FOR HIS REPORT WAS SECONDED BY DR. PRICE AND WAS PASSED UNANIMOUSLY.

#### STAFF ACTIVITY REPORTS

A DISCUSSION AROSE AT THIS POINT IN REGARD TO THE SUBMISSION OF RADIO-ACTIVITY MONITORING REPORTS TO THE BOARD. MR. JENNINGS MOVED THAT THE SUBMISSION OF SUCH REPORTS BE DISCONTINUED. DR. PRICE SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

THE BOARD DIRECTED THAT THE MONTHLY STAFF ACTIVITY REPORT BE RESUMED.

#### FLOOD PLAIN STUDIES (CORPS OF ENGINEERS)

MR. GUTHRIE'S REPORT WAS MADE IN RESPONSE TO A REQUEST THAT A REPRESENTATIVE OF THE CORPS OF ENGINEERS APPEAR BEFORE THE BOARD TO DISCRIBE THIS NEW ACTIVITY OF THE CORPS OF ENGINEERS. MR. GUTHRIE'S REPORT IS SUMMARIZED BELOW.

SECTION 206 OF THE 1960 FLOOD CONTROL ACT AUTHORIZED THE CORPS OF ENGINEERS TO COMPILE AND DISSEMINATE INFORMATION ON FLOODS AND POTENTIAL FLOOD DAMAGES, INCLUDING IDENTIFICATION OF AREAS SUBJECT TO INUNDATION BY FLOODS OF VARIOUS MAGNITUDES AND FREQUENCIES. THE INTENTION IS TO FURNISH INFORMATION WHICH WILL PERMIT REGULATION OF USE OF FLOOD PLAIN AREAS. THE RESPONSIBILITY, HOWEVER, FOR FLOOD PLAIN ZONING RESTS WITH THE STATES. STUDIES ARE MADE UPON APPLICATION TO THE DISTRICT ENGINEER, APPROVAL BY THE CHIEF OF ENGINEERS AND APPROPRIATION OF FUNDS. MINOR STUDIES COSTING \$1,000 OR LESS CAN BE DONE BY THE DISTRICT ENGINEER UNDER HIS AUTHORITY. IT IS NOT INTENDED THAT THIS LAW REQUIRE THE CORPS TO DEVISE A PLAN OF PROTECTION. THE BASIC INFORMATION IS FURNISHED TO PERMIT THE STATE TO PROCEED AS IT SEES FIT WITH ZONING LAWS OR OTHER ACTIVITIES.

POCAHONTAS FUEL COMPANY - ITMANN

FOLLOWING IS A SUMMARY OF MR. GOODWIN'S REPORT ON THE COURT ACTION WITH THE POCAHONTAS FUEL COMPANY.

THE BOARD ISSUED AN ORDER TO THE COMPANY FOLLOWING THE HEARING IN PINEVILLE ABOUT A YEAR AGO. THE COMPANY WAS SUBSEQUENTLY FINED BY THE JUSTICE OF THE PEACE UPON A WARRANT ISSUED BY A CONSERVATION OFFICER. THE COMPANY THEN APPEALED THE DECISION OF THE JUSTICE OF THE PEACE AS WELL AS THE BOARD'S ORDER TO THE CIRCUIT COURT. THE COMPANY LATER WITHDREW THEIR APPEAL OF THE JUSTICE'S VERDICT AND PAID THE FINE. TWO CONTINUANCES HAVE ALREADY BEEN GRANTED AT THE COMPANY'S REQUEST. MR. GOODWIN SAID HE WAS PREPARED TO MOVE THE COURT TO DISMISS THE COMPANY'S APPEAL ON THE GROUNDS THAT THEY HAVE NOT PROSECUTED THEIR APPEAL. HE SAID HE FELT THE COURT WOULD ACT FAVORABLY UPON HIS MOTION. THIS WOULD MAKE THE BOARD'S ORDER FINAL AND BINDING.

MR. WRIGHT REPORTED THAT THE PERMIT WHICH HAD BEEN PREVIOUSLY REVOKED HAD BEEN RE-ISSUED SINCE THE COMPANY WAS NOW IN COMPLIANCE WITH THE POLLUTION CONTROL REQUIREMENTS AND HAD PROMISED TO CEASE OPERATION DURING EMERGENCIES TO PREVENT POLLUTION.

HOWELL COAL COMPANY

FOLLOWING IS A SUMMARY OF MR. GOODWIN'S REPORT ON THE HOWELL COAL COMPANY.

THE RANDOLPH COUNTY CIRCUIT COURT HAS UPHELD THE BOARD'S ORDER TO THE HOWELL COAL COMPANY TO CEASE POLLUTION OF THE WATER SUPPLY RESERVOIR OF THE CITY OF COALTON. THE SITUATION HAS DEVELOPED NOW WHERE THE OFFICIALS OF THE CITY OF COALTON HAVE BEEN EXTREMELY DIFFICULT TO GET ALONG WITH. THEY HAVE WRITTEN LETTERS ABOUT ONCE A WEEK ACCUSING THE BOARD AND THE ATTORNEY GENERAL'S OFFICE OF NEGLECT OF DUTY. THEY HAVE BEEN INFORMED THAT EVERY REMEDY AUTHORIZED UNDER THE LAW HAS BEEN TAKEN. THE DUTY IS NOW UPON THE CITY OF COALTON TO SEEK ENFORCEMENT OF THE COURT ORDER BY INJUNCTION. THEY WERE INFORMED IF THEY COULDN'T DO THIS THE ATTORNEY GENERAL'S OFFICE WOULD DO IT FOR THEM ALTHOUGH HIS OFFICE COULD NOT DO THIS IN EVERY POLLUTION CASE. NO FURTHER WORD HAS BEEN HEARD FROM THE CITY.

BARBOUR COUNTY COAL CORPORATION

MR. GOODWIN REPORTED THAT THE RANDOLPH COUNTY CIRCUIT COURT HAS NOT YET RENDERED A DECISION ON THE MATTER OF THE BARBOUR COUNTY COAL CORPORATION SINCE THE COMPANY HAS NOW MOVED AROUND TO THE OTHER SIDE OF THE MOUNTAIN AND IS NO LONGER POLLUTING IN THE SAME PLACE. THERE MAY BE A LEGAL QUESTION INVOLVED. IF A DECISION FAVORABLE TO THE BOARD IS GIVEN, IT MAY NOT DO ANY GOOD SINCE THEY HAVE CHANGED THEIR LOCATION.

VALLEY CAMP COAL COMPANY - WHEELING

MR. GOODWIN REPORTED THAT ABOUT 8 - 10 MONTHS AGO THE ATTORNEY GENERAL'S OFFICE WAS REQUESTED TO INVESTIGATE A COMPLAINT OF POLLUTION IN BIG WHEELING CREEK ARISING FROM THE VALLEY CAMP COAL COMPANY. MR. GOODWIN SAID HE MET WITH THE COMPLAINANTS AND COMPANY OFFICIALS, AND THE WATER RESOURCES DIVISION ALSO SENT AN INVESTIGATOR. THE MATTER WAS BEING PREPARED TO BRING BEFORE THE BOARD WHEN THE ATTORNEY GENERAL'S OFFICE RECEIVED A CALL STATING THAT EVERYTHING HAD BEEN TAKEN CARE OF AND THAT THE COMPANY HAD CEASED POLLUTION. THEREFORE IT WAS NOT NECESSARY TO PROCEED WITH LEGAL ACTION.

MR. GOODWIN REPORTED THAT WITHIN THE LAST TWO MONTHS THE WHEELING NEWSPAPERS WERE ATTACKING HIM FOR NOT DOING ANYTHING. FROM THIS IT SEEMS THAT THE SITUATION HAS STARTED ALL OVER AGAIN. MR. GOODWIN STATED HE HAD RECEIVED A LETTER FROM ONE OF THE COUNTY COMMISSIONERS ASKING THAT SOMETHING BE DONE. MR. GOODWIN SAID HE ADVISED THE COUNTY COMMISSIONER THAT ACTION WOULD BE TAKEN. MR. GOODWIN SAID HE PRESUMED THE MATTER WOULD COME BEFORE THE BOARD VERY SHORTLY.

LEGISLATION PROPOSED

MR. WRIGHT PRESENTED A LIST OF ITEMS WHICH HE HAD PREVIOUSLY SUBMITTED TO DR. LANE FOR PRESENTATION BEFORE THE STATE CHAMBER OF COMMERCE AND THE LEGISLATIVE INTERIM COMMITTEE STUDYING THE WATER POLLUTION CONTROL LAW. INCLUDED WERE THE FOLLOWING:

1. AMEND THE LAW TO CHARGE A FEE FOR PERMITS.
2. AMEND THE LAW TO ENABLE THE BOARD TO PROMULGATE RULES AND REGULATIONS.
3. AMEND THE LAW WHEREBY AN OFFICIAL LEGAL NOTICE CAN BE ISSUED TO CEASE POLLUTION PRIOR TO A HEARING. THEN IF NO ACTION IS TAKEN WITHIN A SPECIFIED TIME THE MATTER TO BE TURNED OVER TO THE LAW ENFORCEMENT DIVISION AND THE ATTORNEYS FOR PREPARATION OF A HEARING OR PROSECUTION.
4. AMEND THE LAW TO ENABLE THE BOARD TO COMPEL COUNTY COURTS TO CREATE PUBLIC SERVICE DISTRICTS TO ELIMINATE POLLUTION FROM UNINCORPORATED TOWNS OR COMMUNITIES.
5. AMEND ARTICLE 5, SECTION 8, PARAGRAPH 2 SO AS TO CLEARLY INDICATE A PERMIT IS NEEDED FOR MINE WATER DRAINAGE WHICH MAY BE BY GRAVITY FLOW OR PUMPED. THE WORD "OUTLET" IS AMBIGUOUS.

6. REDEFINE "POLLUTION" IN ARTICLE 5, SECTION 2E AND SECTION 24 TO SPECIFICALLY INCLUDE CONTROL OVER DISPOSAL OF SOLID INDUSTRIAL WASTE PRODUCTS SUCH AS COAL REJECTS AND OTHER REFUSE MATERIAL IN OR NEAR WATERCOURSES WHICH ARE POTENTIAL SOURCES OF POLLUTION. REMOVE THE EXEMPTION IN THE LITTERING LAW, SECTION 24.

7. IN ARTICLE 5, SECTION 7, CHANGE "WATER POLLUTION CONTROL ACT, PUBLIC LAW 845, 80TH CONGRESS, APPROVED JUNE 30, 1948" TO "WATER POLLUTION CONTROL ACT, PUBLIC 660, 84TH CONGRESS, ETC."

8. AMEND THE LAW TO AUTHORIZE HOLDING OF ALL HEARINGS IN CHARLESTON.

9. AMEND THE LAW TO ENABLE RAPID EFFECTIVE ENFORCEMENT OF THE TERMS AND CONDITIONS OF PERMITS AND SPECIFY STEPS FOR THE PROSECUTION OF VIOLATORS. MAKE FAILURE TO MEET TERMS AND CONDITIONS OF PERMIT A MISDEMEANOR. (SEE HOUSE BILL NO. 277, INTRODUCED FEBRUARY 7, 1961.)

10. DREDGING OF STREAMS SHOULD BE COVERED BY A PERMIT AND THE LAW SHOULD BE AMENDED TO ENABLE SUCH. THIS SHOULD INCLUDE REMOVAL OF SAND AND GRAVEL FROM STREAMS BY THE STATE ROAD COMMISSION AND OTHER POLITICAL SUBDIVISIONS OR AGENCIES AS WELL AS COMMERCIAL FIRMS.

11. WELL DRILLERS SHOULD BE LICENSED AND REQUIRED BY LAW TO FILE A LOG OF THE WELL WITH THE DIVISION.

12. AUTHORITY OF THE STATE PUBLIC SERVICE COMMISSION ON APPROVAL OF DAM DESIGN SHOULD BE TRANSFERRED TO THE WATER RESOURCES BOARD. LAW SHOULD AUTHORIZE FIELD INSPECTIONS TO SEE THAT DAMS ARE BUILT TO APPROVED SPECIFICATIONS.

IN THE DISCUSSION THAT FOLLOWED DR. PRICE REQUESTED THAT IF THE AMENDMENT PASSED REQUIRING THE MAINTENANCE OF WELL RECORDS, A COPY OF SUCH RECORDS SHOULD BE SENT TO THE STATE GEOLOGICAL SURVEY. MR. GOODWIN ASKED THAT ANY CHANGES PROPOSED IN THE LAW IN REGARD TO ENFORCEMENT BE GIVEN TO THE ATTORNEY GENERAL'S OFFICE TO PREPARE IN ORDER TO MAKE IT EASIER FOR THE ATTORNEY GENERAL TO PROSECUTE THE CASES. DR. LANE STATED THAT THE INTERIM COMMITTEE ASKED FOR THE SUGGESTIONS AND THAT THEY WOULD BE DRAFTING THE LEGISLATION. IT WAS DECIDED, IF POSSIBLE THAT DR. LANE, MR. WRIGHT, MR. GOODWIN AND MR. YOST WOULD, AFTER REVIEWING THE AMENDMENTS, SEND COPIES TO THE BOARD MEMBERS FOR THEIR REVIEW.

#### RULES AND REGULATIONS

MR. WRIGHT REPORTED THAT HE HAD NOT YET HAD TIME TO DO ANY WORK ON DRAFTING RULES AND REGULATIONS. HE SAID HE HAD, HOWEVER, WRITTEN TO PENNSYLVANIA AND NORTH CAROLINA FOR COPIES OF THEIR RULES AND REGULATIONS.

MR. GOODWIN SUGGESTED THAT THE RULES AND REGULATIONS SHOULD BE PREPARED PRIOR TO THE ENABLING LEGISLATION IN ORDER TO SHOW THAT THERE IS NOTHING TO HIDE. AT LEAST, HE SAID, AN OUTLINE OF THE PROPOSED RULES AND REGULATIONS SHOULD ACCOMPANY THE PROPOSED ENABLING LEGISLATION.

PUBLIC WORKS PROGRAM

MR. JOHNSON REPORTED THAT OF THE \$400,000,000 APPROPRIATED BY CONGRESS UNDER THE NEW PUBLIC WORKS ACCELERATION ACT, \$9,500,000 WAS ALLOCATED FOR SEWAGE TREATMENT WORKS WHICH COULD BE PLACED UNDER CONSTRUCTION BY JANUARY 1, 1963. MR. JOHNSON STATED THAT 23 APPLICATIONS AMOUNTING TO A REQUEST OF \$4,306,000 WERE PROCESSED AND FLOWN TO CHARLOTTESVILLE. SINCE THIS AMOUNT TOTALLED ALMOST HALF OF THE ALLOCATION FOR THE ENTIRE COUNTRY, THE NUMBER OF APPLICATIONS THAT WILL RECEIVE APPROVAL IN WASHINGTON IS SUBJECT TO CONJECTURE. IT MAY BE THAT NONE WILL BE APPROVED. THE NEXT CONGRESS MAY ALLOCATE ANOTHER \$500,000,000 FOR PROJECTS THAT CAN BE STARTED BY JUNE 30, 1963 AND WEST VIRGINIA WILL PROBABLY HAVE ANOTHER 20 - 30 APPLICATIONS AT THAT TIME.

MR. WRIGHT AND MR. JOHNSON STATED THEY FEARED THE IMPACT OF THE 50 - 75 PER CENT GRANTS UNDER THE PUBLIC WORKS ACCELERATION PROGRAM WILL HAVE A TREMENDOUS ADVERSE EFFECT UPON THE PROGRAM UNDER PUBLIC LAW 660 WITH THE 30 PER CENT GRANTS. THEY SAID IT IS POSSIBLE THAT NOT A SINGLE GRANT REQUEST WILL BE RECEIVED UNDER PUBLIC LAW 660 BECAUSE OF THIS PROGRAM. THE STATE WOULD THEN HAVE OVER \$1,500,000 IN PUBLIC LAW 660 FUNDS THAT COULD NOT BE UTILIZED.

POLICY ON REVOCATION AND ENFORCEMENT OF PERMITS

MR. WRIGHT RECALLED THAT AT THE LAST BOARD MEETING PROCEDURES WERE DISCUSSED FOR REVOKING PERMITS OF COAL COMPANIES WHO WERE IN VIOLATION OF THEIR PERMITS. HE STATED THAT AT THE MARCH 2 MEETING IT WAS DECIDED TO REVOKE THE PERMITS OF VIOLATORS THUS SUBJECTING THEM TO THE AUTHORITY OF THE CONSERVATION OFFICERS. TO DATE, MR. WRIGHT STATED THAT 8 SUCH REVOCATIONS HAVE BEEN MADE WHICH HAVE RESULTED IN SEVERAL ARRESTS.

MR. WRIGHT STATED THAT THE ONLY DRAWBACK TO THIS POLICY WAS THAT WHEN A PERMIT IS REVOKED THE COMPANY HAS THE RIGHT TO DEMAND A HEARING. HOWEVER, UPON THE ADVICE OF THE ATTORNEY GENERAL'S OFFICE THE STAFF IS FOLLOWING THE POLICY OF CITING THE COMPANY FOR STREAM POLLUTION IF THEY DEMAND A HEARING ON THE REVOCATION. IF THE COMPANY MERELY REQUESTS AN INFORMAL HEARING IN ORDER TO SET FORTH THEIR PLANS FOR POLLUTION ABATEMENT THE LONG INVOLVED PROCESS OF A FORMAL HEARING CAN BE AVOIDED. MR. WRIGHT REQUESTED PERMISSION TO CONTINUE THE POLICY AS OUTLINED.

DR. DYER MOVED THAT MR. WRIGHT'S RECOMMENDATION IN REGARD TO THE REVOCATION OF PERMITS BE APPROVED BY THE BOARD. THE MOTION WAS SECONDED BY DR. PRICE AND WAS PASSED UNANIMOUSLY.

MR. WRIGHT STATED THAT AS AN ALTERNATIVE TO REVOKING THE PERMIT OF A VIOLATOR, THE STAFF WOULD LIKE TO ISSUE A WARRANT AND MAKE AN ARREST FOR VIOLATING THE TERMS OF THE PERMIT. IT IS NOT KNOWN, HOWEVER, WHETHER OR NOT THIS CAN BE DONE UNDER THE PRESENT LAW.

AFTER A DISCUSSION REGARDING THE RE-ISSUANCE OF PERMITS WHICH HAD PREVIOUSLY BEEN REVOKED, DR. DYER MOVED THAT WHERE CASES ARE IN LITIGATION AND WHERE THE ATTORNEY GENERAL'S OFFICE IS HANDLING THE CASES, THE ATTORNEY GENERAL'S OFFICE BE CONTACTED PRIOR TO THE RE-ISSUANCE OF THE PERMIT. THE MOTION WAS SECONDED BY MR. JACOBSON.

DR. LANE ASKED MR. GOODWIN IF THE BOARD COULD LEGALLY REFUSE TO GRANT A PERMIT IF THE COMPANY HAD COMPLIED WITH ALL THE POLLUTION CONTROL REQUIREMENTS EVEN IF THE CASE WERE STILL IN THE COURTS. MR. GOODWIN REPLIED THAT IF ALL THE REQUIREMENTS HAD BEEN MET AND THE COMPANY APPLIED FOR A PERMIT, IT CANNOT LEGALLY BE WITHHELD. THE MOTION THEN PASSED UNANIMOUSLY.

GOODRICH-GULF CHEMICALS, INC.

MR. WRIGHT REVIEWED THE KANAWHA RIVER INDUSTRIAL POLLUTION ABATEMENT PROGRAM SINCE 1958, POINTING OUT THAT THE DEADLINE FOR THE FIRST PHASE REDUCTION HAD BEEN SET FOR JUNE 30, 1963. MR. WRIGHT STATED IT APPEARS THAT THE GOODRICH-GULF CHEMICALS, INC. WILL NOT BE ABLE TO MEET THIS SCHEDULE COMPLETELY. THEY HAVE INDICATED THEY WILL BE ABLE TO PROVIDE SETTLING FOR THEIR SOLIDS BUT WILL NOT BE ABLE TO HAVE THE ACTIVATED SLUDGE TREATMENT IN BY THE DEADLINE. MR. WRIGHT STATED HE FELT THAT IF THEY ASKED FOR AN EXTENSION OF TIME, IT SHOULD BE DENIED.

DR. DYER MOVED THAT AUTHORITY BE GIVEN TO MR. WRIGHT TO DENY EXTENSIONS OF TIME TO ANY KANAWHA RIVER INDUSTRIAL PLANT NOT MEETING THE JUNE 30, 1963 DEADLINE. MR. JENNINGS SECONDED AND THE MOTION PASSED UNANIMOUSLY AND WAS SO ORDERED.

KANAWHA RIVER STUDY BY U. S. PUBLIC HEALTH SERVICE

MR. WRIGHT REPORTED THAT THE U. S. PUBLIC HEALTH SERVICE HAS INITIATED A 3 - 5 YEAR STUDY ON THE KANAWHA RIVER USING THE CARBON FILTER TECHNIQUE. THE QUESTION HAS BEEN RAISED AMONG SEVERAL INDUSTRIAL REPRESENTATIVES AS TO THE INTENTIONS OF THE PUBLIC HEALTH SERVICE IN REGARD TO ENFORCEMENT. MR. WRIGHT STATED HE HAD BEEN REQUESTED BY THE KANAWHA RIVER INDUSTRIAL ADVISORY COMMITTEE TO WRITE TO MR. MURRAY STEIN, WHO IS CHIEF OF THE ENFORCEMENT BRANCH OF THE DIVISION OF WATER SUPPLY AND POLLUTION CONTROL IN THE PUBLIC HEALTH SERVICE AND QUESTION HIM AS TO HIS INTENTIONS. THE COMMITTEE WANTS TO KNOW IF THE STUDY IS TO PROVIDE A BASIS FOR ENFORCEMENT ACTION BY THE PUBLIC HEALTH SERVICE.

AFTER CONSIDERABLE DISCUSSION MR. WRIGHT WAS INSTRUCTED TO ADVISE THE KANAWHA RIVER INDUSTRIAL ADVISORY COMMITTEE THAT THE BOARD IS GOING TO RETAIN THE RIGHT TO PASS ON ANY ENFORCEMENT ACTION THAT MAY COME ABOUT. MR. WRIGHT WAS INSTRUCTED NOT TO WRITE TO MR. STEIN.

BUDGET

THE CHAIRMAN DISTRIBUTED COPIES OF THE BUDGET REQUEST FOR FISCAL YEAR 1963-1964. THE DOCUMENT CONTAINED REQUESTS FOR SEVERAL NEW INSPECTOR POSITIONS AND PROPOSED MODEST SALARY INCREASES.

STATE WATER RESOURCES BOARD

S/ BERN WRIGHT

EXECUTIVE SECRETARY

STATE WATER RESOURCES BOARD MEETING

OCTOBER 31, 1962

Room 522 State Office Building No. 1

Charleston, West Virginia

AGENDA

Warden M. Lane, Chairman, Presiding

Call to Order - 9:30

Quorum Call

Approval of Minutes of Meeting April 10, 1962. - *also meeting of March 2, 1962*

1. Flood Plain Studies by Corps of Engineers. - <sup>GUTHRIE</sup> R. G. BAUMGARDNER (Jeery)
2. Progress status report on the statewide water resources reconnaissance study and detailed basin studies.
3. Proposed Legislation.
4. Budget request for Fiscal Year 1963 - 1964.
5. Preparation of Rules and Regulations.
6. Circuit Court Cases - Assistant Attorney General. - *Yost & Goodwin*
7. Public Works Program
8. Acceleration of detailed basin studies by U.S.G.S. *Hold as at present*
9. Policy regarding. *Do not plan acceleration of basin studies at this time - perhaps so after first detailed basin studies.*
  - (A) Revocation of Permits
  - (B) Enforcement of Permits

10. *Goodrich Insuff schedule*

~~11. *Lebay Mining Co.*~~

12. *Letter to Murray Stein re: Kan River (advise Kriss she will have to face Board first)*

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James  
Just*